

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TIMOTHY ADAMS,)	
)	
Petitioner,)	
)	1:11CV893
v.)	6:94CR302-3
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 27, 2011, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's motion to correct a clerical error in his judgment under Fed. R. Crim. P. 36 is construed as a motion to

vacate, set aside or correct sentence, and that the motion to vacate is dismissed without prejudice for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and the Fourth Circuit Local Rule 22(d). A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 19th day of May, 2015.

s/ N. Carlton Tilley, Jr.
Senior United States District Judge